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C O N F I D E N T I A L MADRID 001281

SIPDIS

STATE FOR EUR PDAS RIES, ALSO FOR PM/SNA AND L/T
OSD FOR DASD WARLICK AND COL MCCLELLAND

E.O. 12958: DECL: 12/04/2018

TAGS: [PREL](#) [PGOV](#) [MARR](#) [SP](#)

SUBJECT: REQUEST FOR INSTRUCTIONS REGARDING SPANISH DEFENSE
MINISTER'S SUGGESTION AGREEMENT ON DEFENSE COOPERATION BE
RAISED TO TREATY STATUS

REF: A. MADRID 1131

[1](#)B. MADRID 751

Classified By: DCM Arnold A. Chacon, for reasons 1.4(B) and (d).

[1](#)1. (C) This is an action request. See paragraph 5.

[1](#)2. (C) Summary: MOD Carme Chacon continues to voice, publicly and privately, her desire to see the U.S. elevate the Agreement on Defense Cooperation (ADC) to treaty status. Chacon describes this in terms of legal parity and equilibrium in the bilateral relationship and has hinted the current arrangement suggests the U.S. does not value the agreement as Spain does. Although the agreement runs through February 2011 (and is automatically renewed in one-year increments thereafter), given the strategic importance of our use of the Spanish bases at Rota and Moron, it is vital that we address the MOD's concerns quickly and try to get this issue off the media radar. This is particularly urgent given that the ADC is also regularly in the news because of continual reporting of alleged detainee flights to Guantanamo via the bases (septel). End Summary.

[1](#)2. (SBU) Spain and the U.S. entered into the current ADC in 1988, with additional protocols dating from 2002. Unless one of the parties backs out earlier, the ADC is in effect until February 2011 and is automatically renewed thereafter in one-year increments. On various occasions Spanish officials (e.g., MOD Secretary General for Policy Luis Cuesta) have told us Spain is very satisfied with the ADC, but will seek various "improvements" in the context of renegotiating a long term extension of the agreement when the time comes. They invariably describe these improvements as minor and reiterate their overall satisfaction with the ADC.

[1](#)3. (C) To our surprise -- and, from what we have been able to gather, also to her subordinates' surprise -- Chacon in October mentioned to SECDEF that she wanted the U.S. to elevate the ADC to treaty status. This happened when the met very briefly on the margins of the NATO ministerial. Chacon was convinced SECDEF responded favorably and so advised the media. Thereafter, Cuesta suggested to us that Chacon believed an agreement ratified by the U.S. Senate would underscore the importance of the ADC and the bilateral relationship. Sources from the Spanish Section of the joint Permanent Committee which manages implementation of the ADC have told us they did not know Chacon was going to push the idea of a treaty (and they seemed to have reservations about the idea). The MOD Director General for Policy has told this was something on which Spain would not insist, and we understand the Spanish DATT in Washington has made similar statements to OSD contacts.

14. (C) However, whatever hope we may have harbored that the MOD would soon back away from this idea has been shattered by subsequent conversations with the MOD and by her public statements. The Ambassador has raised the matter with her twice in recent weeks, and it was clear that she remained interested in pursuing a treaty. During a November 25 appearance in congress, Chacon again announced that Spain wanted to renew the ADC and said that, while the agreement was being implemented "satisfactorily" in both countries, Spain would propose that the USG raise it to the level of a treaty. In answering hostile questions about whether the Zapatero administration would continue to allow the U.S. access to Rota and Moron, Chacon defended the ADC. Nonetheless, she said the MOD and MFA would in 2009 thoroughly examine the implementation of the ADC in hopes of engaging the new U.S. administration on suggested improvements. She referenced her October encounter with SECDEF and described the ADC's renewal as "pending." She said SECDEF viewed positively her "formal petition that the weight of the agreement be exactly the same for both countries" and assured Spanish legislators that the MOD would work the issue with the new U.S. administration.

15. (C) Chacon is young and came to her position earlier this year with little experience in defense matters, but it would be a serious mistake to underestimate her or fail to respond substantively to her interest in this issue. She is a savvy politician and close to President Zapatero. It is rumored that Zapatero plans not to run again in 2012 and that he wants Chacon to be his successor. Whether or not that is true, Chacon is a power player here, and we can be sure that her interest in seeing the U.S. make the ADC a treaty is more

than a whim. The news that Secretary Gates will stay on at DOD under the new U.S. Administration will only strengthen her determination to continue on the course she has set. We suspect she has calculated that a treaty enhances Spain's status (and hers) and also quiets the left in her party who are less than enthusiastic about the U.S. military presence in Spain, but who will be flattered by this evidence that the U.S. "takes Spain seriously." Whatever the case, we need to give Chacon a serious response and the sooner the better. We have of course pointed out that, as the Spanish say, the ADC has functioned very well for both countries. To the extent that the Spanish want to seek improvements to the existing arrangement, we have made clear we are standing by to hear their suggestions (so far, the only concrete example they have given us is that because the agreement lacks treaty status in the U.S., their personnel sometimes have problems with taxes, driver's licenses, etc.). We have also explained that treaty ratification in the U.S. is far more complex than in Spain, where the President of Government has much greater control over the legislative branch. In their most recent conversation, the Ambassador persuaded Chacon that it was time to push this issue back down below the ministerial level for further discussion, but in order to have that discussion, we need instructions we can use in explaining the position (at least initially) of the USG regarding treaty status for the ADC. The longer we wait, the more often Chacon is likely to raise the issue publicly, creating a situation in which it may become very difficult for the Zapatero government to back down (if indeed we do not intend to pursue treaty status). We of course defer to the experts in the Departments of State and Defense, but we strongly recommend that in addition to providing at least a tentative reaction on the treaty issue, we also convey every disposition to look at possible improvements to the ADC and specifically address ways in which we might alleviate the concerns the Spanish have expressed regarding the treatment of their personnel in the U.S.

AGUIRRE